

**IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

JARRAL PERKINS,

Plaintiff,

Case No. 13-13617

v.

Hon. Gershwin Drain

AARGON AGENCY, INC.,

Defendant.

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Jarral Perkins  
Plaintiff pro se  
1575 Huron Springs Lane  
Commerce Twp, MI 48382  
Phone: (734) 265-0658

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DOBBS & NEIDLE, P.C.  
Gregory R. Neidle (P59273)  
Daniel J. Ammon (P50923)  
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Bingham Farms, MI 48025  
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**ANSWER TO COMPLAINT**

Defendant, AARGON AGENCY, INC. by its attorneys, DOBBS & NEIDLE, P.C., and for its Answer to Plaintiff's Complaint states as follows:

***PRELIMINARY STATEMENT***

Plaintiff originally filed this action in the small claims division of the 18<sup>th</sup> District Court, City of Westland, Michigan. Defendant removed the action to this Court on August 22, 2013. (See Notice of Removal, Doc. # 1). The following is Defendant's Answer to Plaintiff's Affidavit and Claim, Small Claims, Michigan Small Claims Court Form DC 84, a copy of which is attached to Defendant's Notice of Removal.

## ANSWER TO COMPLAINT

1. Plaintiff, Jarral Perkins, 1575 Huron Springs Lane, MI 48382.

**Response:** Defendant neither admits nor denies the allegations contained therein as Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations.

2. Defendant, Aargon Agency, 8668 Spring Mountain Rd., Las Vegas, NV 89117.

**Response:** Defendant avers its proper corporate name is Aargon Agency, Inc. and further admits it maintains a business address at 8668 Spring Mountain Rd., Las Vegas, NV 89117.

3. A civil action between these parties or other parties arising out of the transaction or occurrence alleged in this complaint has been previously filed in \_\_\_\_ Court.

**Response:** Not applicable.

4. I have knowledge or belief about all the facts stated in this affidavit and I am the Plaintiff.

**Response:** Defendant neither admits nor denies the allegations contained therein as Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations.

5. The plaintiff is an individual.

**Response:** Defendant admits.

6. The defendant is a corporation.

**Response: Defendant admits.**

7. The date(s) the claim arose are: 2012-2013.

**Response: Defendant denies the allegations for the reason that they are untrue.**

8. Amount of money claimed is \$500.00.

**Response: Defendant admits that Plaintiff is claiming \$500.00 as money claimed, but denies the Plaintiff is entitled to any monies.**

9. The reasons for the claim are:

To Whom It May Concern,

I work in this city and it's where the actual violations took place. I was not given a proper and full investigation according to the FCRA. There were many inaccuracies on my credit reports

They are responsible for actual damages of \$500 and statutory damages from the defendant pursuant to 15 U.S.C. §1681 & §1692. They continued to contact me during the dispute process.

I am entitled to actual damages pursuant to U.S.C. §1681 & §1692 & 47 U.S.C. § 227 - statutory and actual damages.

Thanks,

**Response: Defendant denies the allegations for the reason that they are untrue.**

10. The plaintiff understands and accepts that the claim is limited to \$5,000.00 by law and that the plaintiff gives up the rights to (a) recover more than this limit, (b) an attorney, (c) a jury trial, and (d) appeal the judge's decision.

**Response: No response required.**

11. I believe the defendant is mentally incompetent. I believe the defendant is 18 years or older.

**Response: Defendant states this provision is inapplicable as Defendant is a business entity and not an individual.**

12. The defendant is not in the military service.

**Response: Defendant admits.**

WHEREFORE, Defendant respectfully requests that this Honorable Court enter an Order dismissing Plaintiff's Complaint in its entirety, with prejudice and without costs and attorneys' fees, and awarding Defendant its costs and attorney fees incurred in defending this matter so wrongfully brought, and any other relief this Court deems equitable and just.

Respectfully submitted,

Dated: August 22, 2013

/s/ Daniel J. Ammon  
DOBBS & NEIDLE, PC  
30150 Telegraph Road, Suite 410  
Bingham Farms, MI 48025  
Phone: (248) 723-9511  
Email: dammon@dobbsneidle.com  
MI Bar Number P50923  
Attorneys for Defendant

**DEFENDANT’S AFFIRMATIVE AND OTHER DEFENSES TO PLAINTIFF’S  
COMPLAINT AND RESERVATION OF DEFENSES**

NOW COMES Defendant, AARGON AGENCY, INC., by its attorneys, DOBBS & NEIDLE, P.C., and for its Affirmative and Other Defenses to Plaintiff’s Complaint (hereinafter referred to as “Complaint”) and Reservation of Defenses states as follows:

1. Plaintiff has failed to state claims upon which relief can be granted.
2. Plaintiff has failed to state a claim under any federal or state statute.
3. Defendant hereby asserts any and all affirmative defenses available to it under The Fair Debt Collection Practices Act (“FDCPA”).
4. Defendant hereby asserts any and all affirmative defenses available to it under The Fair Credit Reporting Act (“FCRA”).
5. At all relevant times, Defendant acted within the absolute and qualified privileges afforded it under the FCRA, the United States Constitution, applicable State Constitutions, and the common law.
6. Any act or omission of Defendant, which is found to be in violation of any law was the result of a bona fide error, notwithstanding the maintenance of procedures reasonably adapted to avoid such errors.
7. Plaintiff’s claims are barred by the applicable statute of limitations.
8. Plaintiff has suffered no damages as a result of any acts or omissions of Defendant.

9. Plaintiff failed to mitigate any damages which he may have suffered, if any.
10. Plaintiff's damages, if any, are the result of acts or omissions committed by Plaintiff.
11. Plaintiff's Complaint fails to raise a justiciable issue of law or fact as to this Defendant.
12. Plaintiff is not entitled to equitable damages as a matter of law.
13. Plaintiff's claims are barred by the doctrines of laches, waiver and/or estoppel.
14. Defendant did not willfully or negligently violate any provision of the FDCPA.
15. Defendant did not willfully or negligently violate any provision of the FCRA.
16. Plaintiff has failed to state a valid claim against Defendant under the FDCPA.
17. Plaintiff has failed to state a valid claim against Defendant under the FCRA.
18. Pursuant to 5 U.S.C. § 1692k(a)(2)(A), Plaintiff's recovery, if any, is limited to the maximum amount of \$1,000.00 in statutory damages.
19. Plaintiff is not entitled to punitive damages as a matter of law.
20. That Plaintiff was not a "consumer" as defined by the FDCPA. Defendant reserves the right to conduct discovery on this affirmative defense.

21. Defendant did not attempt to collect a “debt” as defined by the FDCPA. Defendant Reserves the right to conduct discovery on this affirmative defense.
22. Defendant further asserts, pleads and incorporates by reference, the affirmative defenses set forth in FCRA.
23. That Plaintiff is not a “consumer” as defined by the FDCPA. Defendant reserves the right to conduct discovery on their affirmative defense.
24. All of Plaintiff's claims are subject to binding Arbitration.
25. Defendant reserves the right to seek its reasonable attorneys' fees and costs pursuant to the 15 U.S.C. § 1692k(a)(3) if the Court deems Plaintiff's action were brought in bad faith and for the purpose of harassing Defendant.
26. Plaintiff has no private right to bring this action.
27. That Plaintiff lacks standing to assert claims in this case.
28. Plaintiff is not the real party in interest.

Defendant reserves all affirmative defenses under Rule 8(c) of the Federal Rules of Civil Procedure and any other defenses, at law or in equity, that may be available now or may become available in the future based on discovery or any other factual investigation in this case.

**WHEREFORE**, Defendant respectfully requests that this Honorable Court enter an Order dismissing Plaintiff's Complaint in its entirety, with prejudice and without costs and attorneys' fees, and awarding Defendant its costs and attorney fees

incurred in defending this matter so wrongfully brought, and any other relief this Court deems equitable and just.

Dated: August 22, 2013

/s/ Daniel J. Ammon  
DOBBS & NEIDLE, PC  
30150 Telegraph Road, Suite 410  
Bingham Farms, MI 48025  
Phone: (248) 723-9511  
Email: dammon@dobbsneidle.com  
MI Bar Number P50923  
Attorneys for Defendant

**CERTIFICATE OF SERVICE**

I hereby certify that on August 22, 2013, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: **N/A**

and I hereby certify that I have mailed by United States Postal Service the paper to the following non ECF participants:

**Jarral Perkins**  
**1575 Huron Springs Lane**  
**Commerce Twp, MI 48382**

Dated: August 22, 2013

/s/ Daniel J. Ammon  
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30150 Telegraph Road, Suite 410  
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